

## **REMARKS**

Entry of this response and reconsideration of the above-referenced application is respectfully requested. Reconsideration and withdrawal of the rejections set forth in the Office Action dated May 22, 2006 are respectfully requested. Applicants petition the Commissioner for a 3-month extension of time. A separate petition accompanies this amendment.

### **I. Amendments**

The specification is amended to recite application information. The amendments were presented in Applicants' response mailed May 1, 2006; however, the page number referenced was incorrect. Accordingly, Applicants provide the amendments to the specification with the correct page number.

Claim 17 is amended to properly recite that the linker layer is positioned between the first and third layers. Basis for this amendment can be found on page 7, line 36 through page 8, line 7.

Claim 17 is further amended to recite an impervious polymer sleeve. Basis for this amendment can be found, for example, on page 2, line 6.

Claim 17 is finally amended to improve clarify regarding the first layer.

Claim 19 is amended for proper antecedent basis.

No new matter is added by way of these amendments.

### **II. Rejections under 35 U.S.C. §112, second paragraph**

Claims 17-19 were rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claim 17 was objected to for stating the linker layer is positioned between the first and second layers. Claim 17 is amended to properly recite that the linker layer is positioned between and covalently bonded to each of the first and third layers.

Claim 19 was objected to for the language "the amino acid sequence" for insufficient antecedent basis. Claim 19 is amended to recite "an amino acid sequence."

In light of the above, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §112, second paragraph.

III. Rejections under 35 U.S.C. § 103(a)

Claims 17-18 are rejected under 35 U.S.C. § 103(a) over Alcime *et al.* (U.S. Patent No. 5,632,772) in view of Bhatnagar (U.S. Patent No. 5,958,428).

Claim 19 stands rejected under 35 U.S.C. § 103(a) over Alcime *et al.* in view of Bhatnagar and further in view of Brown *et al.* (U.S. Patent No. 6,071,305).

A. The Present Claims

The present invention, as recited in claim 17, relates to an expandable device for delivery into a blood vessel carrying blood that includes an expandable support frame having first and second end portions, an impervious polymer sleeve having inner and outer surfaces, and a coating comprised of a first layer capable of providing free amine groups, a linker layer, and a cell adhesion peptide layer.

B. The Cited Documents

ALCIME ET AL. relate to an endothelial graft which is both expandable and supportive and is provided in a form suitable for use in a branched blood vessel location.

BHATNAGAR teaches composites that include a biomaterial having compounds thereon with enhanced cell binding with respect to collagen.

BROWN ET AL. teach a directional drug delivery stent which includes an elongated or tubular member having a cavity containing a biologically active agent.

C. Analysis

According to the M.P.E.P. § 2143.03, "to establish a prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or

suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art."

**1. Rejection of claims 17-18**

The device of claim 17, as amended, includes an impervious polymer sleeve. None of the cited references shows or suggests such a polymer sleeve.

In view of the above, withdrawal of the rejection of claims 17-18 under 35 U.S.C. § 103(a) over Alcime *et al.* in view of Bhatnagar is respectfully requested.

**2. Rejection of claim 19**

The deficiencies of the combination of Alcime *et al.* and Bhatnagar in the teaching of a device as presently claimed is discussed above. Nor does Brown *et al.* provide the missing teaching. In fact, nowhere do Brown *et al.* make any mention of any polymer sleeve or of a polymer sleeve as claimed.

Accordingly, Applicants respectfully request withdrawal of the rejection of claim 19 under 35 U.S.C. § 103(a) over Alcime *et al.* in view of Bhatnagar and further in view of Brown *et al.*

**IV. Conclusion**

In view of the above, Applicants submit that claims 17-19 are in condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

If the Examiner believes a telephone conference would expedite the prosecution of the present application, the Examiner is encouraged to call the undersigned at (650) 838-4410.

Respectfully submitted,

Date: November 22, 2006

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